

TOWN OF OAKFIELD

November 9, 2010

TOWN BOARD MEETING

Supervisor Dodd called the meeting to order at 7pm, followed by the Pledge to the Flag.

PRESENT: Supervisor Dodd, Councilpersons Veazey, Glor, Kabel and Cianfrini, Superintendent of Highways Dennis, Town Clerk Haacke and Attorney Kevin Earl.

Fox Road Campground

Dianne Oaksford represented certain residents of Fox Road in reading a letter to the Board and stating that "the residents of Fox Road would like it to be reflected in the minutes, that we have provided each board member and the Town's attorney, Kevin Earl, with a packet of information that includes: a letter from attorney Mark Boylan, a list of SEQR and town zoning laws that we feel are relevant to our concerns. Also included are significant photos, a map of neighboring homes in relation to the proposed campground and evidence of flooding and new construction activity." (the packet in its entirety will be added to the minutes when printed)

After Mrs. Oaksford finished, Attorney Kevin Earl reiterated that the Board has made no decision at this time regarding the campground. Since the last application was submitted by Mr. Dilcher on September 27, 2010 the process will begin again as entirely new application. Mr. Earl stated that later in this meeting the Board will be presented with a resolution to once again seek Lead Agency. Should that pass at the December 14th meeting there will be a SEQR review. This will only occur after Town has been declared lead agency. Tom Carpenter of Clark Patterson Lee has also received the new application and he or Brent Rosiek will be on hand to review the SEQR at the December meeting.

At this time Attorney Earl stated to the Board that at the December 14, 2010 meeting the Board will declare either a negative or positive declaration, regardless of changes Mr. Dilcher feels the need to make in the future.

The following resolution was presented to the Board:

**RESOLUTION TO SEEK LEAD AGENCY STATUS
REGARDING THE ENVIRONMENTAL REVIEW
FOR THE FOX CREEK RV RESORT PROJECT**

WHEREAS, on September 27, 2010, a new Application was filed by Michael Dilcher with all of the updated documentation and information that the Applicant is submitting to be considered in support of a request for a Special Use Permit a project to establish up to 267 campsites in a proposed recreational vehicle resort to be located upon a parcel of land on Fox Road consisting of what was estimated at that time to be approximately 34 acres of land.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York, that the current Application, documentation, information and Full Environmental Assessment Form, Part 1, filed on September 27, 2010, is now deemed complete with regard to the request to establish a 267 unit campsite upon property located at 7060 Fox Road in the Town of Oakfield, which will allow the Town to first move forward with its consideration of the Application as required by the State Environmental Quality Review Act (SEQR), and

BE IT FURTHER RESOLVED that the Town of Oakfield seeks to establish the Town Board as the Lead Agency for this SEQR review, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to forward a “Notice of Intent to Establish Lead Agency”, plus a “SEQR Lead Agency Coordination Request” and a “Public Notice”, to the six involved and interested agencies listed in the aforesaid Notice, and

Dated: November 9, 2010

MOVED BY: Councilman Kabel

SECONDED BY: Councilperson Glor

Approved on Roll Call as follows:

Supervisor Kenneth A. Dodd	Yes
Councilman Michael Cianfrini	Abstain
Councilwoman Carol Glor	Yes
Councilman Timothy Kabel	Yes
Councilman James Veazey	Yes

Passed (4-0-1)

After resolution was passed, Attorney Kevin Earl wanted to remind the residents of Fox Road that the County has only disapproved the application at this time, not rejected.

Mr. Poole asked the Board about the fencing that has been placed on the property; he wanted to know if that was against the zoning.

Supervisor Dodd stated that this was a question to ask Tom Smith during his report. Supervisor Dodd went on to say that this is not a Public Hearing so we need to keep this to a minimum.

LOCAL LAW NUMBER 2 OF 2010

The following resolution was presented to the Board:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 2 OF 2010
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Oakfield, New York desires to consider adopting legislation to amend the Dog Control Law of the Town of Oakfield, also known as Town of Oakfield Local Law No. 2 of 2010.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York that proposed Local Law No. 2 of 2010, entitled "A Local Law to Amend the Dog Control Law of the Town of Oakfield", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

BE IT FURTHER RESOLVED that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until December 14, 2010, and that a public hearing be held before this Town Board on the 14th day of December, 2010, at 7:00 p.m. at the Oakfield Town Hall, 3219 Drake Street, Oakfield, New York, on the advisability of enacting said proposed Local Law; and

BE IT FURTHER RESOLVED that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Oakfield, New York, not less than ten (10) calendar days, exclusive of Sunday, prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least five (5) days prior to the date of said public hearing, which

notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office.

Dated: November 9, 2010

MOVED BY: Councilman Veazey

SECONDED BY: Councilman Cianfrini

Approved on Roll Call as follows:

Supervisor Kenneth A. Dodd	Yes
Councilman Michael Cianfrini	Yes
Councilwoman Carol Glor	Yes
Councilman Timothy Kabel	Yes
Councilman James Veazey	Yes

Passed (5-0)

Attorney Earl stated to the Board that the fees can be set by resolution in the future.

ZONING & CODE ENFORCEMENT

Mr. Smith stated that he has been researching the “Pay to Hunt” advertisement by Mr. Call who is running a hunting preserve on Fisher Road. Mr. Smith stated that he spoke with Jim Duval of County Planning; Mr. Duval stated that no one has brought this to his attention and to contact Ag & Market; they said it wasn’t regulated by them. The Town has nothing in the Zoning regarding a hunting preserve; therefore is not an allowed use in Oakfield. In speaking further with Mr. Call, Mr. Smith stated that Mr. Call contact DEC who said there was no additional licensing required to have a preserve. Mr. Call told Mr. Smith that if he does get someone to hunt the land he will have them hunt the area in the Town of Elba.

Mr. Poole then addressed Mr. Smith regarding the fencing at Fox Creek; it was stated that since this area is zoned agricultural he can use the land as a farm and put up temporary fencing without a permit. As soon as Mr. Dilcher brings in an animal it is considered a farm. With that explanation Mr. Oaksford asked the question “if the land is being considered for a Special Use permit for a campground can he use it for a farm in the mean time?” Attorney Kevin Earl answered him saying that yes he can because the special use permit has not been granted.

Attorney Kevin Earl took the opportunity to explain that to obtain a Special Use permit it must be for a permitted use and it must follow SEQR. The municipality cannot just deny an application, it as to follow its natural course. What a Special Use permit does is allow the municipality to have a little more control to modify the situation.

SUPERINTENDENT OF HIGHWAYS

Road work—Hutton Road is done; there is more drainage work to be done but what is there is working well. Hutton Road was completed with the help of surrounding municipalities.

Buildings & Grounds

The Superintendent of Highways is seeking pricing on replacing the walk in door in the Highway Garage.

There is additional acreage at Reed Cemetery that is currently being farmed; Mr. Dennis would like to get this land surveyed along with all Town property so that exact boundary lines are set. The Board gave approve for Superintendent Dennis to get survey quotes for the properties.

Cemeteries—are actively busy with burials; the cemeteries are open until December 1st.

Parks—the main water line broke at Little League Park so the water has been shut off. In the spring the Highway Crew will replace the water main.

Equipment—all wheel trucks are due for inspection. One truck is done; the other two will be done this week. The truck that was completed has to have work done—it was quite a hefty bill.

Recycle Center—Ed Startkweather is having major surgery so Wally Kornow will work in his place. Roy will also be out for a week.

Public Works—Waterline broke ground and so far 500 feet of pipe has been placed. The crew is looking to lay 800-900 feet of pipe per day. Blue Heron Construction expects to have the project complete in 3 weeks. They will be back in the spring to do clean up on yards.

Superintendent Dennis is also working on the purchase of the land for the water tower.

TOWN CLERK

Minutes: the minutes of the October 12, 2010 Board minutes were approved. A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the minutes as submitted.

Bills: The following bills were submitted for approval:

General	318-356	\$21,985.90
Part time B	18-20	947.18
Highway DA	102-112	7,747.31
Highway DB	40-46	20,999.38
	Total	\$51,679.77

Town Clerk Haacke requested a line item transfer from A1355.1a Assessor Clerk to A1410.1a Deputy Clerk for \$697.01. A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the line item transfer.

Town Clerk Haacke also presented the Official Undertaking of Tax Collection to the Board for approval for the 2011 Tax season. A **motion** was made by Councilman Veazey, seconded by Councilperson Glor and carried by unanimous vote to approve the Official Undertaking of Tax Collection.

SUPERVISOR

The Supervisor's Report is available.

LIBRARY LIAISON

Nothing to report

COMMITTEE REPORTS

The Town received a letter from MVP our current Health Insurance Provider that the plan we currently have will be retired on December 1, 2010. Town Clerk Haacke contacted Tompkins Insurance who is our broker for health insurance and there are several other plan options available. The price however, will increase slightly. Since there is a time limit to get enrolled in a new plan by the first of December Supervisor Dodd would like to empower the Insurance Committee of Councilman Kabel and Councilperson Glor to execute this contract. A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to allow the Insurance Committee to act on the Board's behalf.

A roll call vote went as follows:

Supervisor Dodd	Yes
Councilman Veazey	Yes
Councilperson Glor	Yes
Councilman Kabel	Yes
Councilman Cianfrini	Yes

Passed (5-0)

An option that may be available along with the new Health Insurance Plan is an H S A account, which is an account that goes along with high deductible insurance that allows the employee to save deductible payments out of their pay pre-tax. A **motion** was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to allow this type of an account to the employees by payroll deduction should the plan allow.

A roll call vote went as follows:

Supervisor Dodd	Yes
Councilman Veazey	Yes
Councilperson Glor	Yes
Councilman Kabel	Yes
Councilman Cianfrini	Yes

Passed (5-0)

GAM

Councilperson Glor stated that Mercy EMS was the guest speaker at the last GAM Meeting; they gave an overview of the first year of operation. Mercy stated that the municipalities need to start thinking about contracts that are up in 2 years. They are currently operating in the black.

Other speakers encouraged everyone to buy locally; this will increase our sales tax revenues.

Members of GAM are looking into a Self Insurance for the Towns and Villages regarding health insurance.

The next GAM Meeting will be held on Thursday, December 16, 2010 at 7 pm.

LIBRARY FLOOR AND ROOF

There is nothing to report

Superintendent Dennis is waiting on a quote for the floor of the Recycling Center.

EXPANSION OF TOWN BUILDING

Clark Patterson Lee has presented the Board with a drawing of the addition that may be done on the Town Building; it was stated that they quoted the numbers on the high side. Some of the work can be done in house and all figures are based on prevailing wage.

A letter was received from Mark Mikilajczyk regarding the Code Enforcement position coming available at the end of 2011. After a brief discussion the Board will call the Association of Towns to see if the position, which is appointed needs to be advertised.

BUDGET FOR 2011

A Public Hearing was held on November 4, 2010 for the Fire Budget and the 2011 Town Budget. With no further discussion since the Public Hearing a **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the budget as submitted.

A roll call vote went as follows:

Supervisor Dodd	Yes
Councilman Veazey	Yes
Councilperson Glor	Yes
Councilman Kabel	Yes
Councilman Cianfrini	Yes
Passed (5-0)	

With no further business to come before the Board a **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to adjourn the meeting at 8:36 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk